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JAN 16 2019

AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT

I, Stacey Sullivan, being first duly sworn state:

1. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation (FBI). I have been employed by the FBI as a Special Agent since October, 2008. As such, I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510 (7). That is, I am an officer of the United States, who is empowered by law to conduct investigations regarding violations of United States law, to execute warrants issued under the authority of the United States, and to make arrests of the offenses enumerated in Title 18, United States Code, § 2251 *et. seq* and § 2421 *et. seq*. In the course of my duties, I am responsible for investigating crimes which include, but are not limited to, child exploitation and child pornography. I have previously been involved in criminal investigations concerning violations of federal laws. Since joining the FBI, your affiant has received specialized training in human trafficking investigations, identifying and seizing electronic evidence, computer forensics, recovery, and social site investigations.

2. The information set forth in this affidavit is known to me as a result of an investigation personally conducted by me and other law enforcement agents. Thus, the statements in this affidavit are based in part on information provided by Special Agents ("SAs") and other employees of the FBI, as well as other investigators employed by federal or state governments. I have participated in investigations involving persons who collect and distribute child pornography, and the importation and distribution of materials relating to the sexual exploitation of children. I have received training in the areas of child exploitation, and I have reviewed images

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and videos of child pornography in a wide variety of media forms, including computer media. I have also discussed and reviewed these materials with other law enforcement officers.

3. This affidavit supports an application for a criminal complaint charging DEREK EDWARD THOMAS with Travel with Intent to Engage in Illicit Sexual Conduct, in violation of Title 18, United States Code, Section 2423(b) and the Transfer of Obscene Material to Minors, in violation of Title 18, United States Code, Section 1470. Title 18, United States Code, Section 2423(b) prohibits a person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both. Title 18, United States Code, § 1470 prohibits a person from using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so.

4. This affidavit is based upon information that I have gained from my investigation, my training and experience, as well as information gained from conversations with other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that DEREK EDWARD THOMAS has committed a violation of Title 18, United States Code, Sections 2423(b) and 1470.

STATUTORY AUTHORITY AND DEFINITIONS

5. This investigation concerns alleged violations of Title 18, United States Code, § 2423(b), relating to with Travel with Intent to Engage in Illicit Sexual Conduct and the Transfer of Obscene Material to Minors, in violation of Title 18, United States Code, Section 1470. Title 18, United States Code, § 2423(b) prohibits a person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both. Title 18, United States Code, § 1470 prohibits a person from using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so.

6. Title 18, United States Code, § 2423(f) defines “illicit sexual conduct” in pertinent part:

.....[M]eans (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States.....

7. Title 18, United States Code, § 2246 (2) defines “sexual act” in pertinent part:

(A) contact between the penis and the vulva or the penis and the anus....

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(C) the penetration, however slight, of the anal or genital opening of another by hand or finger or by any object, with intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person; or

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

FACTS AND CIRCUMSTANCES

8. On August 6, 2018, R.W., age 21, sister of Jane Doe 1, filed a written complaint with the Fort Bragg Military Police alleging that her sister, Jane Doe 1, age 14 years old, was dating DEREK EDWARD THOMAS, age 25, of Williamsburg, Virginia¹. According to the complaint dated August 6, 2018, THOMAS visited R.W.'s residence in Fort Bragg, NC on at least three occasions in July 2018. R.W. saw condoms in THOMAS's duffel bag during his third visit to her home. When R.W.'s family returned from a weekend in Williamsburg, Virginia (August 3-5, 2018), R.W. reviewed the contents of Jane Doe 1's Apple iPad and observed sexually explicit messages exchanged between her and THOMAS. Jane Doe 1 told R.W., THOMAS sent her nude images of him. R.W. told the police THOMAS drove a beige Buick bearing Virginia tag VTZ-6799.

9. On August 7, 2018, Fort Bragg Military police responded to R.W.'s residence located on Ft. Bragg military base in reference to the complaint. R.W. informed the officer that she had discovered sexual and inappropriate text messages from an adult male on Jane Doe 1's phone. The Ft. Bragg police contacted the Army Criminal Investigative Division (CID) to continue the

¹ Fort Bragg is located in Fort Bragg, North Carolina.

investigation. Army CID referred the complaint to the FBI and provided a copy of the written statements, as well as THOMAS's history of visits to Ft. Bragg, provided by the Visitors Center, to an FBI SA in the FBI Charlotte Division.

10. On August 9, 2018, Army CID SA and an FBI SA interviewed R.W. In summary, R.W. told the agents the following information after her conversations with Jane Doe 1, as well as her own observations. R.W. informed agents that Jane Doe 1 lived with her parents in Charlotte, NC. On June 30, 2018, Jane Doe 1 came to visit R.W. Jane Doe 1 asked R.W. if THOMAS could visit, and stated he was twenty years old. Jane Doe 1 told R.W. she met THOMAS on Kik. According to R.W., she allowed THOMAS to visit Jane Doe 1 at her residence on three occasions in July 2018. On the last occasion, R.W. observed condoms in THOMAS's duffel bag. Previously, THOMAS had explained her that he packs and unpacks his bag on a daily basis, based on what he may need for the day. When R.W. confronted THOMAS, he stated the condoms were from a previous event. THOMAS asked R.W. to give him and Jane Doe 1 some alone time so their relationship could grow.

11. According to R.W., Jane Doe 1 and R.W.'s family traveled to Williamsburg, Virginia, on August 3-5, 2018. On August 4, 2018, THOMAS accompanied Jane Doe 1 and R.W.'s family on a trip to Busch Gardens. R.W. told the Agents that on that trip, D.B., a friend of R.W.'s, overheard Jane Doe 1 and THOMAS discussing Jane Doe 1 performing oral sex on THOMAS. After the return from Busch Gardens, Jane Doe 1 and R.W. got into an argument. Jane Doe 1 told R.W. THOMAS loved her and gifted her with a collar² she was wearing around her neck.

² On the outside of the collar it said 'Belles', which is Jane Doe 1's furry name. On the inside of the collar, it said, 'property of angellum (phonetic)' which is THOMAS's furry name.

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12. R.W. told the agents that Jane Doe 1 disclosed to her that she and THOMAS had done basically everything except sex. Jane Doe 1 further disclosed that she had given THOMAS a “blow job” and a “hand job” and that THOMAS had “eaten her out” and “fingered her”. Jane Doe 1 told R.W. that she and THOMAS had sent nude images of themselves to each other via multimedia text messages.

13. On August 9, 2018, at the conclusion of R.W.’s interview, consent was provided by both R.W. and Jane Doe 1’s parents to search both the Apple iPad and Samsung Galaxy phone.

14. On December 4, 2018, your affiant received a request for assistance from FBI Charlotte Division as THOMAS lives in Williamsburg, Virginia within the Eastern District of Virginia. Your affiant was provided a copy of the forensic interview, and copies of the forensic examinations of the two devices.

15. On September 21, 2018, Jane Doe 1 was forensically interviewed by an FBI Child Adolescent Forensic Interviewer. Your affiant reviewed the forensic interview of Jane Doe 1. The following is a brief summary of the interview: Jane Doe 1 first met THOMAS in a ‘furry’ chatroom on Kik. Jane Doe 1’s furry name was Bella and THOMAS’s furry name was Angelo. When the two met on Kik, Jane Doe 1 did not immediately tell THOMAS her age, but once he knew she was fourteen, they talked for another week on Kik and then began dating. THOMAS asked Jane Doe 1 to date him, it was not assumed. After Kik, the two moved to talking and texting via telephone. The two also began using the application, Telegram. When the two were communicating on Telegram, they exchanged nude pictures and videos of themselves to one another. The pictures and videos had their faces in them.

16. Jane Doe 1 asked R.W. if THOMAS could visit her home in Ft. Bragg, NC. Jane Doe 1 told R.W., THOMAS was twenty years old, knowing her sister would have an issue with his age. R.W. agreed, and THOMAS visited on a few occasions. THOMAS bought gifts for Jane Doe 1. Jane Doe 1 accompanied R.W.'s family on a trip to Busch Gardens. THOMAS met them there. Jane Doe 1 could not recall the city, but knew THOMAS lived in the same city as Busch Gardens in Virginia.

17. Jane Doe 1 stated she and THOMAS would role play via text, and the conversations would go from PG to R rated. Jane Doe 1 defined R rated conversations as sex. In relation to the images and videos exchanged, Jane Doe 1 stated THOMAS would be 'jacking off' in some of the videos and at least one nude photo had his face in it.

18. Jane Doe 1 stated when THOMAS visited Ft. Bragg, they took photos of themselves hugging and kissing. She stated most of the photos were taken with his phone. THOMAS used his phone to video chat and text with her. Jane Doe 1 stated the two had oral sex and did 'hand stuff' when THOMAS visited her at Ft. Bragg and once in Virginia. They never had actual sex because there was not enough time.

19. On November 29, 2018, a forensic examination was completed on a Galaxy Samsung S7 and an iPad Model A1397 belonging to Jane Doe 1. Your affiant reviewed the forensic reports of both devices. Both the iPad and the phone contained nude images of an adult male, appearing to be THOMAS. Separately, Jane Doe 1 had nude images and videos of herself on the devices. Several photos and images had a file path including Telegram. There are videos on the devices of both Jane Doe 1 and THOMAS masturbating separately.

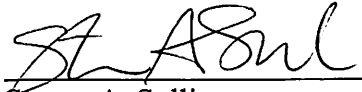
20. On or about July 10, 2018, an image titled “806008817_54748.jpg” was located on Jane Doe 1’s Galaxy Samsung S7. The image depicted a nude adult male (appearing to be THOMAS) sitting in a bathtub with an erect penis. There is a white towel around his neck.

21. On or about July 19, 2018, two images were located on Jane Doe 1’s Galaxy Samsung S7. One image titled, “805529484_53302.jpg” depicted a nude adult male (appearing to be THOMAS) standing in the shower with soap on his body. The second image titled, “804724429_236238.jpg” depicted a nude adult male (appearing to be THOMAS) standing in the shower.

CONCLUSION

22. Based upon the facts set forth above, I submit that probable cause exists to believe DEREK EDWARD THOMAS has violated Title 18, United States Code, Sections 2423(b) and 1470. Title 18, United States Code, Section 2423(b) relates to Travel with Intent to Engage in Illicit Sexual Conduct. Title 18, United States Code, § 2423(b) prohibits a person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both. Title 18, United States Code, Section 1470 prohibits a person from using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so.

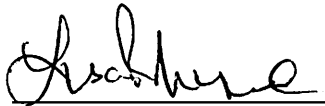
FURTHER YOUR AFFIANT SAYETH NOT.



Stacey A. Sullivan
Special Agent
FBI Child Exploitation Task Force
Federal Bureau of Investigation

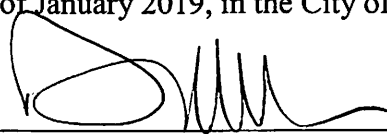
This affidavit has been reviewed for legal sufficiency by Assistant United States Attorney Lisa R. McKeel.

Reviewed:



Lisa R. McKeel
Assistant United States Attorney

Subscribed and sworn to before me this 16 day of January 2019, in the City of Norfolk, Virginia.



UNITED STATES MAGISTRATE JUDGE
Douglas E. Miller
United States Magistrate Judge